

## **AMENDMENT X**

### **Warrant Article X: Steep Slope Protection District**

#### **Ballot Language:**

Are you in favor of adoption of Amendment X as proposed by the Planning Board for the town's Zoning Ordinance as follows:

Adopt a new ordinance to protect Nottingham steep slopes and add associated definitions to the Definition section. If approved, this overlay district will protect the steep slopes of Nottingham by establishing performance standards and review for major subdivisions and commercial site plan review. The overlay district shall apply to all slopes twenty-five percent (25%) or greater and totaling more than two-thousand (2,000) square feet of contiguous area. All such applications shall be consistent with the goals of the Town of Nottingham 2011 Master Plan.

#### **Proposed Amendment:**

### **ARTICLE III Overlay Districts**

#### **F. Steep Slope Protection District**

##### **1. Authority**

This Section is enacted in accordance with the provisions of NH RSA 674:21, Innovative Land Use Controls, and specifically, NH RSA 674:21 (j), Environmental Characteristics Zoning.

##### **2. Purpose**

The purpose of the Steep Slope Protection District is to protect the public health, safety, and general welfare by controlling and guiding the use of land with slopes greater than twenty-five percent (25%). It is intended that the provision of this ordinance shall:

- (a) Protect streams, ponds, lakes and wetlands from erosion, runoff of storm water and sedimentation caused by improper or excessive construction and effluent from public or private sewage disposal systems;
- (b) Preserve the natural topography, vegetative cover and wildlife habitat, protect unique and unusual natural areas and maintain ecological balance;
- (c) Preserve Nottingham's scenic quality; and
- (d) Permit those uses of land, which can be harmoniously, appropriately and safely located on steep slopes.
- (e) Ensure integrity of slope stability
- (f) Ensure safe ingress and egress

##### **3. Applicability**

The requirements of this Section shall apply to Major Subdivisions and new Site Plan applications within the Steep Slope Protection District as delineated as steep slopes

(greater than twenty-five percent (25%) slope). All such applications shall be consistent with the goals of the Town of Nottingham 2011 Master Plan, as amended.

- (a) The applicant shall be responsible for field delineating slopes on a site-specific basis. In any case, the Board may need to judge if and when steep slopes are properly delineated.
- (b) The Steep Slope Protection District shall consist of all areas with slopes twenty-five percent (25%) or greater and totaling more than two-thousand (2,000) square feet of contiguous area. Sloped areas consisting of fewer than two-thousand (2,000) square feet of contiguous area are hereby excluded.

#### 4. Permitted Activities

- (a) Forestry, logging and tree farming consistent with NH RSA's 485-A:17 (Terrain Alteration) and 483-A (Wetlands) and using best management practices to minimize soil erosion as recommended in such publications as *Best Management Practices for Forestry: Protecting New Hampshire's Water Quality* (2005 as amended) by the University of New Hampshire Cooperative Extension.
- (b) Agriculture and silviculture permitted by RSA 21:34 and 432:33, using best management practices to prevent soil erosion as recommended *Manual of Best Management Practices for Agriculture in New Hampshire* (2017, as amended) by the NH Department of Agriculture, Division of Regulatory Services.
- (c) Outdoor recreation and conservation uses such as hiking, hunting, cross country skiing and similar uses, which do not alter the natural surface configuration or vegetative cover of the land and are consistent with the Purpose of the District. Construction of new trails and maintenance of existing trails shall be consistent with standards in *Best Management Practices For Erosion Control During Trail Maintenance and Construction* (2017, as amended) by NH Department of Resources and Economic Development, Division of Parks and Recreation, Bureau of Trails or *Best Management Practices for Forestry: Protecting New Hampshire's Water Quality* (2005, as amended) by the University of New Hampshire Cooperative Extension.
- (d) Single-family residential development is permitted where on-site investigation determines that sewage disposal systems and access roads can be constructed in accordance with Paragraph 5 of this Section and maintained without having an adverse impact upon the ecology and water resources of the area.
- (e) Telecommunications facilities in compliance with the Nottingham Wireless Communications Ordinance and in conformity with applicable best management practices.
- (f) Commercial use

#### 5. Performance Standards

- (a) Any site disturbance of slopes twenty-five percent (25%) or greater shall be minimized.
- (b) The roadbed of a driveway or local access road should not exceed 8% for residential and 8% for commercial.
- (c) On slopes twenty-five percent (25%) or greater, the following shall apply:
  - (1) Any portion of a driveway or access road accessing a single family dwelling shall submit a grading plan when it can be demonstrated that no other routing is possible which avoids slopes exceeding twenty-five percent (25%).
  - (2) Any driveway or other access road shall be designed to have a slope length no greater than seventy-five (75) feet.

- (d) All primary and accessory buildings, septic systems, detention basins, or other structures shall be set back twenty (20) feet from all ridge lines or slope tops.
- (e) Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible.
- (f) Grading or earthmoving on all sloping lands twenty-five percent (25%) or greater shall not result in earth cuts or fills whose highest vertical dimensions exceed six (6) feet as measured from the natural grade
- (g) Finished slopes of all cuts and fills shall not exceed three-to-one (3:1), unless the applicant can demonstrate with certification by a Licensed New Hampshire Professional Engineer that steeper slopes can be stabilized and maintained adequately.

## ARTICLE VI Definitions

**EROSION:** The wearing away or alteration of the ground surface as a result of the movement of wind, water, ice, gravity and/or land disturbance activities.

**IMPERVIOUS SURFACE:** A surface, which prevents or retards the passage of water through it to the soil or earth substrate below.

**RUNOFF:** That part of precipitation, snowmelt, or irrigation water that flows across the land surface into surface waters, wetlands or onto adjacent lands.

**SEDIMENTATION:** The process by which soil or earth materials is transported from the land surface as a result of accelerated erosion or disturbing activity and deposited elsewhere, such as in a floodplain, stream, wetland or other water body.

**STEEP SLOPE:** Land having a grade greater than twenty-five percent (25%) based on two (2)-foot contours analyzed over ten (10) foot vertical intervals prior to cut and fill as measured perpendicularly to the slope.

**SLOPE:** The degree of deviation of a surface, from the horizontal, measured over a distance; usually expressed in percent as the change in elevation (known as "rise") over a certain horizontal distance (known as "run").

**VEGETATIVE COVER:** Grasses, shrubs, trees, and other vegetation which holds and stabilizes soils or the land surface.

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